
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4838.2/06 2nd draft

ATTY/TYPIST: SCG:seg

BRIEF DESCRIPTION: Regarding water resource management in the
Columbia river basin.

1 AN ACT Relating to water resource management in the Columbia river
2 basin; amending 2005 c 488 s 332 (uncodified); adding a new chapter to
3 Title 90 RCW; making appropriations; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that state water
6 resources management in the Columbia river basin must immediately
7 initiate the development of new water supplies to meet the economic and
8 community development needs of people and the instream flow needs of
9 fish.

10 (2) The legislature therefore declares that a Columbia river basin
11 water supply development program is needed, and directs the department
12 of ecology to aggressively pursue the development of cost-effective
13 water supplies to benefit both instream and out-of-stream uses.

14 NEW SECTION. **Sec. 2.** (1) To support the development of new water
15 supplies in the Columbia river, the department of ecology shall work
16 with all interested parties, including but not limited to, interested
17 watershed planning groups working adjacent to the Columbia river and

1 tribal governments, to develop a Columbia river water supply inventory.

2 The inventory must include:

3 (a) A list of potential conservation and storage projects in the
4 Columbia river basin;

5 (b) Estimates of project costs and benefits;

6 (c) A ranking of projects from the least expensive per acre-foot to
7 the most expensive per acre-foot;

8 (d) A ranking of projects from the most beneficial to fish and
9 other instream values to the least beneficial to fish and other
10 instream values; and

11 (e) A ranking of projects from the most beneficial to agriculture
12 to the least beneficial to agriculture.

13 (2) The Columbia river water supply inventory should consider
14 long-term trends in water supply and demand, rely on existing project
15 data already completed by local planning groups, and supplement
16 existing information as necessary to develop a useful inventory.

17 (3) The department of ecology shall complete the first Columbia
18 river water supply inventory by November 15, 2006, and shall update the
19 inventory annually thereafter.

20 NEW SECTION. **Sec. 3.** (1) New water supplies developed and secured
21 through the operation or development of storage facilities made
22 possible with funding from the Columbia river basin water supply
23 account shall be allocated as follows:

24 (a) Two-thirds of active storage shall be allocated to
25 out-of-stream uses; and

26 (b) One-third of active storage shall be placed in the state trust
27 water rights program to enhance instream flows. The timing of releases
28 of this water shall be determined in cooperation with the department of
29 fish and wildlife to maximize benefits to salmon and steelhead
30 populations.

31 (2) The one-third/two-thirds allocation of water resources between
32 instream and out-of-stream uses that is established in this section
33 shall not be applied by the department of ecology when considering
34 applications for changes or transfers of existing water rights in the
35 Columbia river basin.

36 (3) The department of ecology shall focus its efforts to develop
37 water supplies for the Columbia river basin on the following needs:

1 (a) Alternatives to ground water for farmers in the Odessa subarea
2 aquifer;

3 (b) Sources of municipal water supply for pending water right
4 applications;

5 (c) A new uninterruptible supply of water for the holders of
6 interruptible water rights on the Columbia river mainstem that are
7 subject to instream flows or other mitigation conditions to protect
8 stream flows; and

9 (d) New municipal, domestic, industrial, and irrigation water needs
10 within the Columbia river basin.

11 (4) The department of ecology shall monitor and evaluate the new
12 water allocated to instream use under this section and section 5 of
13 this act, in order to identify the maximum streamflow that is
14 beneficial to aquatic life. The department shall submit a decadal
15 report to the appropriate committees of the legislature that identifies
16 how much new water has been dedicated to instream uses and how close
17 the Columbia river basin is to reaching the maximum beneficial flow
18 during the times of the year with the lowest flow levels.

19 NEW SECTION. **Sec. 4.** (1) In order to implement the Columbia river
20 basin water supply development program, the department of ecology may
21 enter into voluntary regional agreements that establish conditions
22 under which water withdrawn from the Columbia river may be approved.
23 These agreements shall pertain to specific geographic areas and to
24 individuals or entities that use or propose to use water from the
25 Columbia river mainstem.

26 (a) Voluntary regional agreements based upon conserved water are
27 authorized. Conserved water shall be allocated in a manner that
28 concurrently ensures that:

29 (i) Water is provided for out-of-stream uses; and

30 (ii) No reduction in stream flows in the Columbia river mainstem
31 will occur as a result of the new appropriation of water.

32 (b) Applicants under a voluntary regional agreement must
33 demonstrate efficient water use practices.

34 (c) Voluntary regional agreements based upon accessing water
35 supplies from new or existing storage facilities shall be implemented
36 consistent with the requirements of section 3 of this act. Applicants

1 under a voluntary regional agreement must demonstrate efficient water
2 use practices.

3 (2) The mitigation standards established in this section are
4 intended to streamline issuance of new water rights from the Columbia
5 river.

6 (3)(a) Before entering into a voluntary agreement under this
7 section, the department of ecology must:

8 (i) Consult with the department of fish and wildlife and watershed
9 planning groups regarding the benefits that the voluntary agreement can
10 produce for fish and wildlife species and other instream values on the
11 Columbia river mainstem; and

12 (ii) Provide a thirty-day public review and comment period for a
13 draft agreement, and publish a summary of any public comments received.
14 The thirty-day review period shall not begin until after the department
15 of ecology has concluded its consultation with the department of fish
16 and wildlife and the appropriate watershed planning groups.

17 (b) To meet its responsibility under this section, the department
18 of fish and wildlife shall consult with fisheries comanagers and shall
19 inform the department of ecology of the recommendations of fisheries
20 comanagers. The department of fish and wildlife shall provide
21 comments, including the recommendations of fisheries comanagers, to the
22 department within thirty days following receipt of a draft agreement
23 for review.

24 (4) The department may enter into voluntary regional agreements
25 when the points of diversion of any permits issued under an agreement
26 would be located on the Columbia river mainstem or rely upon ground
27 water within one mile from the river. Agreements are authorized from
28 the Canadian border downstream to the Bonneville dam.

29 NEW SECTION. **Sec. 5.** Conserved water funded by the state:

30 (1) To benefit the Columbia river mainstem shall be permanently
31 held in trust in proportion to the share of funding provided by the
32 state to complete the project. Water held in trust under this section
33 shall be used to improve instream flows for the benefit of fish and
34 other instream values;

35 (2) Developed within the federal Columbia basin reclamation project
36 shall become a portion of the project water supply to be used to

1 replace deep well irrigation within the Odessa ground water management
2 subarea and to reduce water diversions from the Columbia river.

3 NEW SECTION. **Sec. 6.** (1) By July 1, 2006, the department shall
4 convene discussion groups, including all appropriate stakeholders, to
5 consider and make recommendations on the following issues:

6 (a) The public interest in regional equity regarding the sources of
7 water supplies and mechanisms, to determine whether interregional water
8 transfers jeopardize the economic health of any region or tributary
9 basin. The review must also consider mechanisms that might provide for
10 water supplies in other regions while retaining the water right in the
11 region of the water source;

12 (b) Before the end of the legislative session immediately following
13 the completion of the review in (a) of this subsection, the department
14 shall hold in abeyance any and all of its efforts to permanently
15 acquire existing water rights for the purposes of transferring those
16 rights to a downstream user in the Columbia river basin as a source of
17 water supply or mitigation. This moratorium shall be limited to water
18 rights physically located upstream from John Day dam; and

19 (c) Whether a water bank for the Columbia river mainstem would
20 simplify and improve the approval of water acquisitions, leases, loans,
21 and exchanges; reduce the time and costs associated with such
22 transactions; and increase the availability of water supplies and
23 water-related information.

24 (2) Reports from the reviews under this section are due to the
25 appropriate committees of the legislature by December 31, 2006.

26 NEW SECTION. **Sec. 7.** (1) The Columbia river basin water supply
27 account is created in the state treasury. The account may receive
28 direct appropriations from the legislature and receipts of payments
29 made by water users that are based on an appropriate and economically
30 viable share of construction, operation, and maintenance costs of water
31 supply projects. For the biennium ending June 30, 2007, the sum of
32 fifty million dollars is appropriated from the state building
33 construction account to the department of ecology for deposit into the
34 Columbia river basin water supply account.

35 (2) Expenditures from the Columbia river basin water supply account
36 may be used to assess, plan, and develop new storage, improve or alter

1 operations of existing storage facilities, implement conservation
2 projects, or other actions, designed to provide access to new water
3 supplies within the Columbia river basin for both instream and
4 out-of-stream uses.

5 (3) The department of ecology shall manage any appropriations made
6 from the account for the purposes of developing water supplies in a
7 manner that yields the greatest benefits to the state while minimizing
8 associated costs.

9 (4) The account is subject to legislative appropriation.

10 (5) Interest earned by deposits in the account will be retained in
11 the account.

12 NEW SECTION. **Sec. 8.** (1) To establish a more complete
13 understanding of current water uses, the department of ecology shall
14 compile, and if necessary collect, all existing information and publish
15 data on:

16 (a) The total aggregate quantity of water issued under state
17 permits and certificates and filed under state claims on the Columbia
18 river mainstem and for ground water within one mile of the mainstem;

19 (b) The total aggregate volume of current water use under these
20 rights as metered and reported by water users;

21 (c) The aggregate quantity of water that is currently inchoate or
22 under development under these rights;

23 (d) Conservation projects that have been implemented under this
24 chapter and the amount of water conservation they have achieved; and

25 (e) Other relevant water use data.

26 (2) The department of ecology shall collect this data annually and
27 publish it on the department's web site no later than November 1st of
28 each year.

29 **Sec. 9.** 2005 c 488 s 332 (uncodified) is amended to read as
30 follows:

31 **FOR THE DEPARTMENT OF ECOLOGY**

32 Columbia River Initiative (06-2-010)

33 The appropriation in this section is subject to the following
34 conditions and limitations:

35 (1) \$6,000,000 is provided solely for feasibility studies related

1 to off-mainstem storage projects and impacts of changing operations at
2 the Potholes reservoir, and grant funding for the purchase and
3 installation of water measuring devices.

4 (2) Of the amount appropriated in this section, \$10,000,000 (~~may~~
5 ~~not be expended prior to enactment of state legislation that~~
6 ~~establishes the policy requirements for a new water resources and water~~
7 ~~rights management program for the Columbia river mainstem. If such~~
8 ~~legislation is not enacted prior to June 30, 2006, this amount shall~~
9 ~~lapse~~) is provided to begin implementation of the Columbia river basin
10 water supply development program in sections 3 through 8 of this act.
11 Within this amount, the department shall support, to the extent that
12 projects are ready to proceed and to the extent that resources allow,
13 the following water supply projects, including, but not limited to:
14 Storage development or storage enhancement projects, projects that
15 provide surface water supply for the Odessa subarea within the
16 boundaries of the Columbia river basin project, projects which enhance
17 water supplies for the Walla Walla and Yakima rivers through exchanges
18 and other methods, and investments resulting in water use efficiency.
19 The department shall report progress under this section to the
20 appropriate committees of the legislature by December 1, 2006.

21 Appropriation:

22	State Building Construction Account--State	\$16,000,000
23	Prior Biennia (Expenditures)	\$0
24	Future Biennia (Projected Costs)	\$52,610,000
25	TOTAL	\$68,610,000

26 NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act constitute
27 a new chapter in Title 90 RCW.

28 NEW SECTION. **Sec. 11.** This act takes effect July 1, 2006.

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